

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MICHAEL BRECHT,

11 Plaintiff,

No. CIV S-05-0859 KJM

12 vs.

13 BNSF RAILWAY COMPANY,

14 Defendant.

ORDER

15 _____/
16 Plaintiff's motion to compel came on regularly for hearing May 24, 2006. Fred
17 Diamondstone appeared telephonically for plaintiff. Jacob Flesher appeared for defendant.
18 Robert Davies appeared for the third party defendant. Upon review of the documents in support
19 and opposition, upon hearing the arguments of counsel, and good cause appearing therefor, THE
20 COURT FINDS AND ORDERS AS FOLLOWS:

21 1. Defendant shall within ten days produce model 6700 or model 6700 S tamper
22 with a foot pedestal of the type used by plaintiff and of the type originally provided with tamper
23 number 245; unless alternative arrangements are mutually agreed to by the parties, said
24 production shall be located at Vancouver, Washington or at a location in the state of Oregon that
25 is convenient to Corvallis and where the tamper can be operated on conditions similar to those
26 which existed at the time plaintiff operated said tamper.

1 2. An award of expenses under Federal Rule of Civil Procedure 37 is not
2 warranted.

3 3. The dates pertaining to expert disclosure and expert discovery set forth in the
4 January 10, 2006 scheduling order are each extended by fourteen days.

5 DATED: May 25, 2006.

6
7 
8 _____
9 UNITED STATES MAGISTRATE JUDGE
10

11 006 brecht3.oah
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26